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17570-3-33

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

MATTHEW T. CARLEY and)	
KIMBERLY ANN CARLEY,)	
)	
Plaintiffs,)	
)	
v.)	No.: 08 C 1351
)	
USAA CASUALTY INSURANCE)	Hon. Judge Nordberg
COMPANY,)	
)	Magistrate Judge Brown
Defendant.)	

MOTION FOR ENLARGEMENT OF TIME TO ANSWER OR OTHERWISE PLEAD

NOW COMES defendant USAA CASUALTY INSURANCE COMPANY, by and through its attorneys Esther Joy Schwartz, Brian C. Bassett, and Richard D. Foody of STELLATO & SCHWARTZ, LTD., and moves this honorable court for an enlargement of time to answer or otherwise plead. In support thereof, defendant states as follows:

- 1. On March 6, 2008, plaintiffs filed a Complaint in the above-captioned action.
- 2. This Complaint appears to have been served on defendant at some point thereafter. However, no return of service is currently reflected on this Court's online docket regarding the time or manner of such service.
- 3. Defendant's retained counsel only recently came into possession of this Complaint and promptly filed appearances on behalf of defendant on March 28, 2008.
- 4. Fed. R. Civ. P. 6(b) provides that, for cause shown, a court may extend the time period for filing of any responsive pleading if such request is made prior to the otherwise applicable

expiration.

5. Defendant requests an additional 30 days in which to investigate this matter, confer with its attorneys and draft a legally and factually appropriate pleading on defendant's behalf.

WHEREFORE defendant, USAA CASUALTY INSURANCE COMPANY, prays this Court grant it an additional thirty (30) days to answer or other plead.

Respectfully submitted,

STELLATO & SCHWARTZ, LTD.

By: s/ Esther Joy Schwartz
Esther Joy Schwartz

6181383 (EJS) 6199398 (RDF) STELLATO & SCHWARTZ, LTD. Attorneys for Defendant 120 North La Salle Street 34th Floor Chicago, Illinois 60602 (312) 419-1011